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October 30, 2023

**VIA ECF**

The Honorable Lewis A. Kaplan  
United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

**Re: *United States v. Samuel Bankman-Fried*, S6 22 Cr. 673 (LAK)**

Dear Judge Kaplan:

On behalf of our client, Samuel Bankman-Fried, we respectfully submit the enclosed proposed jury charge and supporting authorities on the meaning of the Terms of Service. *See* ECF No. 287 at 2 n.6. We understand the Court's view that the legal meaning of the Terms of Service is within the Court's purview and are submitting the attached for the Court's consideration, to the extent helpful to the Court.

Respectfully submitted,

/s/ Mark S. Cohen  
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cc: All counsel of record (via ECF)